

Exhibit 26

Highly Confidential – Attorneys' Eyes Only

**United States District Court
Northern District of California, San Francisco Division
Civil Action No. 3:17-CV-00939-WHA**

WAYMO LLC

v.

**UBER TECHNOLOGIES, INC.; OTTOMOTTO LLC; OTTO TRUCKING
LLC**

**Expert Report of
Michael J. Wagner
August 24, 2017**

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VI. Documents, Data and Other Information Considered

441. Volume 1, Tab 4 contains a complete list of documents I considered in forming my opinions. In addition, I had discussions with:

- John Krafcik, CEO for Waymo;
- Jennifer Haroon, formerly Head of Business Operations for Waymo;
- Daniel Chu, Head of Product;
- Dmitri Dolgov, VP of Engineering for Waymo; and
- Pierre-Yves Droz, Principal Hardware Engineer for Waymo.

VII. Potential Additional Analyses to Perform

442. My opinions are based on the information received as of the date of my report. I plan on updating my damages analysis with the most current sales data produced as of the date of my testimony. I understand that discovery is continuing and there has been a significant amount of data and information produced in the weeks leading up to my report. I may consider other data produced through discovery to determine whether such other data impact my opinions. I will consider any criticisms of my opinions or bases for my opinions brought to my attention at my deposition or offered by experts retained by Uber. Any of this additional information or work may cause me to change my opinions.

VIII. Compensation

443. My current billing rate is \$895 per hour. I also receive compensation from LitiNomics based on LitiNomics' staff billings on the case.

A handwritten signature in blue ink that reads "Michael J. Wagner". The signature is fluid and cursive, with "Michael" on top and "J. Wagner" below it.

Michael J. Wagner